

NOTICE OF MEETING
LONG BEACH CIVIL SERVICE COMMISSION

THE REGULAR MEETING OF THE LONG BEACH CIVIL SERVICE COMMISSION WILL BE HELD ON
WEDNESDAY, JANUARY 13, 2010, AT 8:00 A.M. IN THE CONFERENCE ROOM OF THE
COMMISSION ON THE 7TH FLOOR OF CITY HALL, 333 WEST OCEAN BOULEVARD, LONG BEACH.

A G E N D A

1. **MINUTES** – Regular Minutes of January 6, 2010
2. **REQUEST TO FILE LATE APPLICATION** - Special Services Officer
 - a. Communication from Frank J. Caudillo
 - b. Staff report prepared by Sal Ambriz, Personnel Analyst
3. **REQUEST TO REINSTATE ELIGIBLE LIST** – Systems Technician
Staff report prepared by Diane Dzodin, Administrative Officer
4. **REQUEST FOR EXCEPTION TO CIVIL SERVICE RULES AND REGULATIONS – Article VIII, Section 115(3) – *Requesting Exception to Article II, Section 7 of the Civil Service Rules and Regulations – Qualifications and Requirements for Park Maintenance Supervisor, Limiting Applications to City Employees and Laid Off City Employees***
Staff report prepared by Mario R. Beas, Executive Director
5. **PROPOSED AMENDMENT TO CIVIL SERVICE COMMISSION POLICY 1.60 – Public Safety Disability Retirement Appeals**
Staff report prepared by Mario R. Beas, Executive Director
6. **REQUEST FOR FISCAL YEAR 2010 FIRST QUARTER BUDGET ADJUSTMENT**
Staff report prepared by Mario R. Beas, Executive Director
7. **BULLETINS**
Fire Captain
Park Maintenance Supervisor
8. **EXAMINATION RESULTS** – Public Health Nutritionist
9. **EXTENSION OF EXPIRING ELIGIBLE LISTS (6 months)**
Building Maintenance Engineer
Customer Service Representative
Environmental Specialist Associate
Public Health Nutritionist
Special Services Officer (07/22/09)
Systems Technician (01/14/09 & 01/28/09) **(2 months)**

10. **RETIREMENTS**

Paul Sanford/Police Sergeant/Police (30 yrs., 1 mo.)
Kevin Nelson/Police Sergeant/Police (22 yrs., 11 mos.)
Roy Ratterree, Jr./Oil Field Gauger/Oil Properties (24 yrs., 10 mos.)
David Newman/Petroleum Operations Coordinator/Oil Properties (22 yrs.)
Emmanuel Durojaye/Sr. Petroleum Engineering Associate/Oil Properties (27 yrs., 6 mos.)
Maria Alarcon/Payroll Specialist/Financial Management (18 yrs., 1 mo.)
Jackie Clark /Customer Service Representative/Financial Management (31 yrs.)
Lynn Deveney/Customer Service Representative/Financial Management (20 yrs., 10 mos.)
Veronica Fair/Customer Services Supervisor/Financial Management (26 yrs, 10 mos.)
Milam Hoa/Customer Service Representative/Financial Management (28 yrs., 5 mos.)
Patricia Le Beauf/Customer Services Supervisor/Financial Management (30 yrs., 8 mos.)
Nympha Marcos/Customer Service Representative/Financial Management (29 yrs., 8 mos.)
Frances Sluder/Customer Service Representative/Financial Management (28 yrs., 9 mos.)
Carrie Draper/Public Health Nurse/Health (32 yrs., 6 mos.)
Francisco Jimenez/Maintenance Assistant/Parks (24 yrs., 5 mos.)
Tom Glavas/Electrician/Parks (20 yrs., 8 mos.)
Dennis Head/Garage Service Attendant/Public Works (14 yrs., 3 mos.)
John Allison/Water Utility Mechanic/Water (25 yrs., 7 mos.)
Bobby Jones/Water Utility Supervisor/Water (35 yrs., 9 mos.)
Daryl Wilkes/Business Systems Specialist/Water (29 yrs., 3 mos.)

11. **RESIGNATIONS**

Janie Bordelon/Special Services Officer – Armed/Harbor (12 yrs., 2 mos.)
Paul Lepore/Battalion Chief/Fire (23 yrs., 2 mos.)

12. **TRANSFER** – Marlon Ramos/Administrative Analyst III Conf./Human Resources to
Administrative Analyst III Conf./Financial Management
Staff report prepared by Diane Dzodin, Administrative Officer

13. **REQUEST TO WITHDRAW APPEAL**

Communication from James E. Trott, Attorney at Law

14. **REQUEST TO FILE LATE APPEAL**

15. **NEW BUSINESS**

16. **COMMENTS FROM PUBLIC** – The Civil Service Commission will hear from members of the public on matters within the Commission's jurisdiction.

9:00 A.M. – DELIBERATIONS FOR DISMISSAL APPEAL HEARING 19-D-78

THIS INFORMATION IS AVAILABLE IN AN ALTERNATIVE FORMAT BY REQUEST TO CIVIL SERVICE AT (562) 570-6059.

"THE CITY OF LONG BEACH INTENDS TO PROVIDE REASONABLE ACCOMMODATIONS IN ACCORDANCE WITH THE AMERICANS WITH DISABILITIES ACT OF 1990. IF A SPECIAL ACCOMMODATION IS DESIRED, PLEASE CALL CIVIL SERVICE 48 HOURS PRIOR TO THE EVENT/PROGRAM/SERVICE AT (562) 570-6059".

**LONG BEACH CIVIL SERVICE COMMISSION
F. PHIL INFELISE, PRESIDENT
JANUARY 6, 2010**

The regular meeting of the Civil Service Commission was held at 8:10 a.m., Wednesday, January 6, 2010, in the Board Room of the Commission, 333 West Ocean Boulevard, Seventh Floor, Long Beach, California.

MEMBERS PRESENT: F. Phil Infelise, Ahmed Saafir, Jeanne Karatsu,
Douglas Haubert

MEMBER EXCUSED:

OTHERS PRESENT: Mario R. Beas, Executive Director & Secretary
Melinda George, Deputy Director
Diane Dzodin, Administrative Officer
Marilyn Hall, Executive Assistant
Lourdes Ferrer, Personnel Analyst
Donna de Araujo, Assistant Administrative Analyst
Debbie Mills, Acting Director of Human Resources
Patrick H. West, City Manager

President F. Phil Infelise, presided.

MINUTES: It was moved by Commissioner Saafir, seconded by Commissioner Karatsu and carried that the minutes of the regular meeting of December 16, 2009, be approved as prepared. The motion carried by a unanimous roll call vote.

It was moved by Commissioner Karatsu, seconded by Commissioner Saafir and carried that the dismissal appeal 25-D-78 amended minutes of June 24, 2009, be approved as prepared. The motion carried by a unanimous roll call vote. Commissioner Haubert abstained from voting, as he was not present.

PROVISIONAL APPOINTMENT: The Secretary presented a communication from Curtis Tani, Director of Technology Services, requesting Commission authorization to appoint Dalton Witt, to the classification of Community Information Specialist on a provisional basis. In addition, the Secretary presented a staff report prepared by Sal Ambriz, Personnel Analyst. After discussion, it was moved by Commissioner Haubert, seconded by Commissioner Karatsu and carried that the request be granted in accordance with Civil Service Commission Policy 1.02 and Section 43 of the Civil Service Rules and Regulations. The motion carried by a unanimous roll call vote.

REQUEST TO CERTIFY NON-CAREER NAMES FROM ELIGIBLE LISTS

PARKING CONTROL CHECKER AND CUSTOMER SERVICE REPRESENTATIVE

The Secretary presented a communication from Patrick H. West, City Manager, requesting that names of non-career employees from the Customer Service Representative and Parking Control Checker eligible lists be made available to user departments. In addition, the Secretary presented a staff report prepared by him. Mr. West addressed the Commission, thanking Mr. Beas for working with the City Manager's office to move the process along. He addressed the specifics of his request stating that the City is interested in providing employment to all City employees, which includes non-careers, to fill current vacancies within the City. The Secretary addressed the Commission, stating that the Civil Service Department has worked with the City Manager's request to limit critical positions to be filled with City employees by requests to the Commission for Exception to the Rules May be Authorized, by requesting limiting applicant pools to current City employees. He stated that City employees have been certified to the Customer Service Representative eligible list with no selections being made. However, he stated that non-career employees have continued to be hired. Debbie Mills, Acting Director of Human Resources, and Lori Ann Farrell, Director of Financial Management, addressed the Commission regarding the critical need to fill the Customer Service Representative vacancies, stating loss of revenue. Cynthia Stafford, Personnel Services Officer, Public Works, also addressed the Commission, stating that the Parking Control Checker classification is also a General Fund revenue generating position. Linda Amparan, Business Representative, IAM&AW DL 947, addressed the concerns of City employees in higher bands being passed over to hire someone in Band C. Pamela Horgan, Manager, Commercial Services Bureau, also addressed the Commission regarding the reasons for not selecting some candidates. After discussion, it was moved by Commissioner Haubert, seconded by Commissioner Saafir and carried to approve the request for names of non-career equal to names of permanent employees be certified from the Customer Service Representative and Parking Control Checker eligible lists this one time only, and to report back to the Commission regarding the positions filled and who filled the positions, specific to these two classifications, within 90 days. The motion

EXAMINATION RESULTS:

carried by a unanimous roll call vote.

It was moved by Commissioner Karatsu, seconded by Commissioner Saafir and carried that the following examination results be approved. The motion carried by a unanimous roll call vote.

Assistant Administrative Analyst – 113 Applied, 33 Qualified

Special Services Officer – 159 Applied, 23 Qualified

EXTENSION OF EXPIRING ELIGIBLE LISTS:

It was moved by Commissioner Saafir, seconded by Commissioner Karatsu and carried that the following eligible lists be extended for an additional six months, with the exception of Water Utility Mechanic, to be extended for three months. The motion carried by a unanimous roll call vote.

Administrative Analyst

Animal Control Officer

Civil Engineer (1/14/09, 7/15/09, 7/29/09)

Civil Engineering Assistant (7/8/09, 7/22/09)

Environmental Specialist Associate

Microbiologist

School Guard

Senior Combination Building Inspector

Senior Program Manager – Water (7/8/09, 7/15/09)

Systems Support Specialist (1/7/09, 1/14/09)

Water Treatment Operator (7/15/09, 7/22/09)

Water Utility Mechanic (**3 months**)

RETIREMENTS:

It was moved by Commissioner Karatsu, seconded by Commissioner Haubert and carried that the following retirements be received and filed. The motion carried by a unanimous roll call vote.

Carlos Rivers/Traffic Painter/Public Works

Russell Chidley/Firefighter/Fire

Gerald Jolly, Jr. /Business Systems Spec/Technology Services

Brian Hauptmann/Police Officer/Police

Kenneth Cobb/Firefighter/Fire

Larry Oaks/Engineering Technician/Water

Gary Christensen/Police Lieutenant/Police

Michael Balleras/Firefighter/Fire

Casey Carrigan/Fire Captain/Fire

Michael Horan/Fire Engineer/Fire

Steve Zahner/Fire Captain/Fire
George Knaub/Fire Boat Operator/Fire
Jeffrey Arndt/Police Sergeant/Police
Douglas Johnson/Police Officer/Police
Robert Mendoza/Police Officer/Police
Kris Nelson/Police Officer/Police
Michael Welch/Administrative Analyst/Community
Development

DISABILITY RETIREMENTS:

It was moved by Commissioner Haubert, seconded by Commissioner Karatsu and carried that the following disability retirements be received and filed. The motion carried by a unanimous roll call vote.

Lisa Redkey/Parking Control Checker/Public Works
Wendy Stout/Police Officer/Police

RESIGNATION:

OTIS TAYLOR/REFUSE OPERATOR/PUBLIC WORKS

It was moved by Commissioner Saafir, seconded by Commissioner Karatsu and carried that the subject resignation be received and filed. The motion carried by a unanimous roll call vote.

TRANSFER:

**JOANNE MEDINA/CLERK TYPIST I/HARBOR TO
CLERK TYPIST III/POLICE**

The Secretary presented a staff report prepared by Diane Dzodin, Administrative Officer, regarding the subject transfer between departments. After discussion, it was moved by Commissioner Haubert, seconded by Commissioner Karatsu and carried that the subject transfer between departments be approved. The motion carried by a unanimous roll call vote.

RESCHEDULE FOR HEARINGS:

It was moved by Commissioner Saafir, seconded by Commissioner Haubert and carried that the following hearing reschedule be approved. The motion carried by a unanimous roll call vote.

Dismissal Hearing 05-D-89 – 1/20/10
Dismissal Hearing 06-D-89 – 1/27/10

**ELECTION OF COMMISSION
OFFICER:**

VICE PRESIDENT

It was moved by Commissioner Karatsu, seconded by

Commissioner Haubert to open the nominations for the office of Vice President, pursuant to Section 110 of the Civil Service Rules and Regulations. Commissioner Karatsu nominated Commissioner Saafir for the office of Vice President. It was moved by Commissioner Haubert, seconded by Commissioner Saafir and carried to close the nominations for Vice President. Commissioner Saafir was elected Vice President by a unanimous roll call vote.


MANAGERS' REPORT:

Melinda George, Deputy Director, informed the Commission that three staff analysts were attending a make-up session for the Supervisory Leadership Academy today.

The Secretary informed the Commission that next week he would be formally requesting the Commission to ask for funding for the Fire Recruit examination. He further stated that the examination could not be conducted until additional funds are received.

ADJOURNMENT:

There being no further business before the Commission, President Infelise adjourned the meeting.


MARIO R. BEAS
Secretary

MRB:meh

FRANK J. CAUDILLO
400 West Broad Way
Long Beach, CA 90802
Work Tel. No. (562) 570-7260

December 22, 2009

Civil Services Department
City of Long Beach
333 West Ocean Blvd., 7th Floor
Long Beach, CA 90802

RECEIVED
2009 DEC 23 AM 10:13
CIVIL SERVICE DEPT.

To whom it may concern:

I, Frank J. Caudillo, Non-Career Special Services Officer, would like to request permission to submit a late application for the position of Special Services Officer II. My application submission is late due to the fact that I was out on bereavement last week upon the death of my grandmother. In addition to my bereavement leave, I have not received my inter office emails and was not aware of the position openings until Sergeant Wood brought it to my attention. I would appreciate your consideration of these circumstances and allow me to apply.

Thank you for your consideration.

Very truly yours,



Frank J. Caudillo
Non-Career Special Services Officer
Long Beach Police Department

1 **DATE:** January 13, 2010
2 **TO:** Civil Service Commission
3 **FROM:** Sal Ambriz, Personnel Analyst *ja*
4 **SUBJECT: REQUEST TO FILE LATE APPLICATION FOR SPECIAL SERVICES**
5 **OFFICER – FRANK CAUDILLO**

6 Correspondence has been received from Mr. Frank Caudillo requesting the Civil
7 Service Commission's approval to file a late application for the Special Services Officer
8 examination. Mr. Caudillo states his "application submission is late due to the fact that I
9 was on bereavement"; hence, he contacted the Civil Service Department on
10 Wednesday, December 23, 2009 after recruitment had closed, requesting to apply for
11 Special Services Officer. The facts are presented below for your consideration.

12 **Facts for Consideration:**

- 13 • On December 2, 2009, the Commission approved the Special Services Officer
14 bulletin. Applications were available December 4 through December 18, 2009.
15 Completed applications and supplemental applications were due in the Civil
16 Service Department by 4:30 p.m., December 18, 2009.
- 17 • The bulletin further states "any required proofs such as certificates, diplomas,
18 licenses, or transcripts, must be received in the Civil Service Department by 11:59
19 p.m., December 23, 2009.
- 20 • Special Services Officer is an open and competitive opportunity using the
21 continuous procedure of placing qualified individuals on an eligible list.
- 22 • Mr. Frank Caudillo's memo requesting to submit a late Special Services Officer
23 application was received by the Civil Service Department staff on Wednesday,
24 December 23, 2009 at 10:13 am.
- 25

- 1 • On Wednesday, January 06, 2010, Mr. Caudillo submitted to the Civil Service
2 Department proof of 'death of an immediate family member'.
- 3 • Today's request to file a late application falls under Civil Service Commission
4 Policy 1.05 and Civil Service Rules and Regulation Article II, Section 6 (1) that
5 clearly states that the Civil Service Commission may consider a late application
6 due to a death of an immediate family member, a catastrophic natural disaster, or
7 an error by Civil Service Department staff. Mr. Caudillo request does meet the
8 criteria of the Commission's policy to allow a late application and staff recommends
9 approving Mr. Caudillo's request.
- 10 • Should Commission approve this request, Mr. Caudillo would be allowed to
11 complete an application and supplemental application for Special Services Officer.
12 Should he meet the requirements to file for Special Services Officer, examination
13 results approved by Commission on January 6 will be amended to include his
14 application.

15 Based on the facts for consideration, staff recommends approval of this request in
16 compliance with Policy 1.05 and Civil Service Rules and Regulation Article II, Section 6
17 (1). Staff has informed Mr. Caudillo that this request is on today's agenda.

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22 SA
23 SR 1.13.10
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DATE: January 13, 2010
TO: Civil Service Commission
FROM: *DN* Diane Dzodin, Administrative Officer
SUBJECT: REQUEST TO REINSTATE SYSTEMS TECHNICIAN ELIGIBLE LIST

Staff is requesting that the Civil Service Commission reinstate the Systems Technician eligible list established on December 17, 2008, retroactive to its expiration date of December 16, 2009 in accordance with Civil Service Rules and Regulations, Article IV, Section 26.

The Systems Technician examination was last administered on a non-competitive, continuous basis. Continuous eligible lists expire after six months but, if approved by the Commission, may be extended up to three years.

During the administration of the Systems Technician examination, 24 eligible lists were brought to Commission for approval. All of the eligible lists were approved for a six-month extension prior to their expiration dates. The names of candidates on the eligible list that expired on December 16, 2009 have not been certified to the Technology Services Department; however, the names of candidates on the eligible lists that have previously expired were certified to the department.

Staff is requesting the reinstatement of this Systems Technician eligible list retroactive to December 16, 2009 and recommends extending the eligible list until February 16, 2010. At that time, an additional extension of this eligible list may be considered. The reinstatement and extension of the eligible list will allow the names of the 23 candidates on the eligible list to be certified to the Technology Services Department for consideration.

1 **DATE:** January 13, 2010
2 **TO:** Civil Service Commission
3 **FROM:** Mario R. Beas, Executive Director

Agenda Item No. 4

4 **SUBJECT: REQUEST FOR EXCEPTION TO CIVIL SERVICE RULES AND**
5 **REGULATIONS – ARTICLE VIII, SECTION 115(3) – REQUESTING**
6 **EXCEPTION TO ARTICLE II, SECTION 7 OF THE CIVIL SERVICE**
7 **RULES AND REGULATIONS – QUALIFICATIONS AND**
8 **REQUIREMENTS FOR PARK MAINTENANCE SUPERVISOR,**
9 **LIMITING APPLICATIONS TO CITY EMPLOYEES AND LAID OFF**
10 **EMPLOYEES**

11 As provided by Civil Service Rules and Regulations, Article VIII, Section 115 (3) –
12 Exceptions to Rules May be Authorized, staff is recommending the Civil Service
13 Commission consider an exception to Article II, Section 7 of the Civil Service Rules and
14 Regulations – Qualifications and Requirements for the upcoming examination of the
15 Park Maintenance Supervisor classification. Specifically, staff is recommending that
16 the Commission approve the selection process for Park Maintenance Supervisor as an
17 open-competitive examination restricted to: 1) current City employees, 2) former
18 classified City employees who were terminated due to layoff in 2009, 3) former
19 classified City employees on an active Civil Service priority list, and 4) former
20 unclassified City employees, identified by the Human Resources Department as
21 terminated by the City's recent reduction in force. Only those applicants meeting the
22 minimum qualifications, as stated in the job opportunity bulletin, will be invited to
23 participate in the examination process.

24 **Background Information**

25 The classification for Park Maintenance Supervisor is used by the Harbor, Parks,
Recreation and Marine, and Water Departments. There are currently two vacancies.
One vacancy in Parks, Recreation and Marine and one in the Water Department.

1 The last examination for Park Maintenance Supervisor was conducted as an open-
2 competitive process. 24 candidates applied and 2 candidates were selected from the
3 eligible list. Park Maintenance Supervisor is a classification that has generated interest
4 from City employees as well as from applicants outside the City. For many City
5 employees this may represent an opportunity for career advancement.

7 **Policy Requirements**

8 As per Civil Service Commission Policy 1.80, the following information is provided:

10 Purpose of the Request:

11 To provide the Parks, Recreation and Marine Department, Water Department and
12 Harbor Department, an eligible list of qualified City employees to fill the vacancy in the
13 Park Maintenance Supervisor classification while meeting the City Manager's
14 restrictions to select City employees to fill impacted vacancies.

16 Applicable Section of the Rules and Regulations:

17 Civil Service Rules and Regulations, Article II, Section 7 – Qualifications and
18 Requirements, that specifies the Commission establish qualifications and minimum
19 requirements needed to compete in examinations for classified employment.

1 How the Best Interests of the City will be Served by the Exception to the Rule:

2 Staff is proposing that the examination be conducted as an open-competitive
3 examination with the application pool restricted to current City employees and former
4 City employees affected by layoff. The minimum requirements to file would include 1)
5 current City employees, 2) former classified City employees who were terminated due
6 to layoff in 2009, 3) former classified City employees on an active Civil Service priority
7 list, and 4) former unclassified City employees, identified by the Human Resources
8 Department as terminated by the City's recent reduction in force. Applicants would
9 also need to meet experience, willingness and all other minimum requirements. Staff
10 believes this option is in the best interest of the City as the exception to the Rules and
11 Regulations will:

- 12 • maintain an examination process based on merit principles,
- 13 • generate an eligible list of qualified employees,
- 14 • provide career opportunities to City employees and to former City
15 employees affected by layoff,
- 16 • limit the expenditure of City resources necessary to conduct an examination
17 for large numbers of outside candidates, and
- 18 • eliminate requests for exceptions to Section 115 to bypass candidates on
19 the eligible list in order to reach internal candidates, and
- 20 • assist in opportunities for employees impacted by layoffs.

21
22 Why the City's Best Interests are Not Being Served by the Current Civil Service Rules
23 and Regulations?

24 Current Civil Service Rules and Regulations require an examination to be conducted as
25 a promotional examination that would limit the application pool to permanent City
employees in specified classifications.

Staff does not recommend that this be conducted as a promotional examination with requirements of seniority, ranking of the eligible list, and restrictions to classified employees, but rather as an open-competitive examination restricted to: 1) current City employees, 2) former classified City employees who were terminated due to layoff in 2009, 3) former classified City employees on an active Civil Service priority list, and 4) former unclassified City employees, identified by the Human Resources Department as terminated by the City's recent reduction in force. Promotional examinations are most effective when there is a clear relationship between the skills acquired in a classification and those needed in the higher-level classification and there are a sufficient number of City employees meeting the promotional requirements. In regards to Park Maintenance Supervisor, although there are qualified applicants within the City, Park Maintenance Supervisor is a classification that has evolved over time and it now requires skills in a variety of trades and a clear promotional career path no longer exists. Therefore, staff recommends that candidates with 3 years of qualifying experience within the City be allowed to compete for permanent positions as Park Maintenance Supervisor.


Summary

In conclusion, considering the City's continued financial challenges and the City Manager's desire to hire only City employees, it is recommended that the Commission approve the exception to Article II, Section 7 of the Civil Service Rules and Regulations and approve the selection process for Park Maintenance Supervisor as an open-competitive examination, but limit the candidate pool to current City employees and former City employees affected by layoff. Staff has discussed these recommendations with Parks, Recreation and Marine Department and Water Department, and we have received agreement. Staff is available to answer any questions that the Commission may have.

EXCEPTION TO THE RULES (ParkMS 01/13/10)

1 **DATE:** January 13, 2010

2 **TO:** Civil Service Commission

3 **FROM:** Mario R. Beas,  Executive Director

4 **SUBJECT: REQUEST TO REVISE COMMISSION POLICY 1.60 – PUBLIC SAFETY**
5 **DISABILITY RETIREMENT APPEALS**

6 The City Charter was amended to reflect voter approval to remove the responsibility for
7 conducting disability retirement appeals, as a duty of the City Prosecutor to the City
8 Attorney.

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10 As a result of this City Charter amendment, staff is recommending Civil Service
11 Commission Policy 1.60 – Public Safety Disability Retirement Appeals, be amended to
12 reflect this change of conducting disability retirement appeals from the City Prosecutor
13 to the City Attorney.

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15 Staff has discussed the proposed change with Christina Checél, Deputy City Attorney,
16 and she concurs with the recommended change to Policy 1.60.

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18 Staff is available to answer any questions.
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CIVIL SERVICE COMMISSION POLICY

SUBJECT: PUBLIC SAFETY DISABILITY RETIREMENT APPEALS	FILED UNDER: COMMISSION POLICIES	ITEM NO: 1.60 PAGE 1 of 3
APPROVED BY: <div style="text-align: center; border-top: 1px solid black; margin-top: 10px;"> AUTHORIZED SIGNATURE </div>		EFFECTIVE DATE:
NOTES: 		

Purpose: To provide appeal procedures for contested disability retirement determinations. The City Manager shall determine disability of a local safety member on complete and competent medical evidence. Pursuant to Government Code § 21025, as amended January 1, 1992, wherein a local safety member may appeal a determination of the City Manager and such appeal shall be conducted by the Office of Administrative Hearings (OHA), through an administrative law judge (ALJ), and in accordance with the Administrative Procedures Act (APA), Government Code §11500 et seq.

Procedures: The following procedures have been developed pursuant to the APA, the City's Civil Service Rules and Regulations and the Personnel Ordinance, and shall be applicable to the consideration of all applications for disability retirement under the Public Employee's Retirement System (PERS) submitted by local safety members (member).

1. **APPEAL HEARING PROCEDURES.** Pursuant to Section 40 of the Civil Service Rules and Regulations safety members shall have 15 days upon receipt of the City Manager's determination as to the disability to file a written notice of appeal with the Civil Service Commission.

Scheduling Appeal Hearings:

Upon receipt of the member's notice of appeal, the Civil Service Commission shall delegate the appeal hearing to OAH as defined under §11502 of the APA. Pursuant to Section 80 of the Civil Service Rules and Regulations the ALJ shall be vested with the same powers resting in the Civil Service Commission with respect to the conduct of the hearings, except that the decisions of the ALJ shall not be binding upon the Commission. The Civil Service Commission will forward a copy of the employee's notice of appeal and letter denying the disability retirement application to the **City Attorney** ~~City Prosecutor~~. Once notified of the employee's appeal, the **City Attorney** ~~City Prosecutor~~ shall obtain a hearing date from OAH and prepare and file with OAH a Notice of Hearing and Statement of Issues. At least ten (10) days prior to the hearing date of the appeal, the **City Attorney** ~~City Prosecutor~~ will serve the Notice of Hearing and Statement of Issues on the employee and provide a copy to the Executive Director of the Civil Service Commission.

Request for Continuance:

Any request of a continuance shall be made through the ALJ. All requests for continuance of hearings shall be considered in accordance with APA, Government Code §11500 et seq.

Procedure:

During the proceedings, oral evidence shall be taken only under oath or affirmation. Witness affidavits may be used in lieu of live testimony if served within ten days of hearing and opposing party doesn't object within seven days of service. Each party shall have the right to call and examine witnesses, to introduce exhibits, to cross-examine witnesses on any matter relevant to the issues, to impeach any witness and to rebut any evidence. The ALJ may take "official notice" of generally accepted technical or scientific matters. The ALJ shall only consider such medical evidence that has been previously provided to the opposing party within ten (10) calendar days of the date set for hearing unless good cause can be shown. On the motion of either party or on the ALJ's motion, there may be a pre-hearing conference regarding settlement, stipulations, clarification of issues, witness issues, objections to evidence, subpoenas and briefing and hearing schedules (§11511.5). The ALJ may order a settlement conference (§11511.7)

Discovery:

~~City Attorney~~ ~~City Prosecutor~~ conducts and responds to discovery in accordance with Government Code §11507.5 & 11507.7. Discovery issues are resolved by ALJ.

2. **PROPOSED STATEMENT OF DECISION.** Within 30 days following the conclusion of the hearing and the submission of the case, the ALJ shall prepare a proposed decision and submit such decision to the Civil Service Commission for consideration. The decision shall be made on a **factual and legal basis**. Within 30 days of receipt of the ALJ's proposed decision, the Civil Service Commission must file a copy of the proposed decision as a public record and serve a copy on the parties. The Commission shall mail a copy of the proposed decision to the ~~City Attorney~~ ~~City Prosecutor~~ and the member and shall notify both parties as to the date the Commission will consider the decision. Either party, within five days of receipt of the proposed decision or prior to the date of consideration by the Commission, whichever occurs first, may submit written argument to the Commission in support or opposition to the proposed decision. In addition, either party may present oral argument during the Commission meeting. Such argument shall last no longer than five minutes and the other party shall have five minutes to rebut such argument. At the conclusion of the arguments, the Commission members may question the parties or their counsel, and shall then take the matter under advisement.
3. **ORDER OF THE COMMISSION.** Within 100 days of receipt of the ALJ's proposed decision.
The Commission must do one of the following:
 - a) Adopt the decision
 - b) Reduce or mitigate the proposed penalty and adopt the balance of the proposed decision
 - c) Make technical or other minor changes in the decision and adopt it, limited to clarifying with no changes affecting factual or legal basis of the decision
 - d) Reject the decision and refer it back to the same ALJ, if available, for further proceedings (§11517(2)(D))
 - e) Reject the decision and decide the case on the record including the transcript or agreed statement, with or without taking additional evidence

A failure to act by the Commission within that time is deemed to be an adoption of the decision. The Commission must make its final decision within 100 days of rejecting the ALJ's proposed decision. Pursuant to Section 80 of the Civil Service Rules and Regulations the Commission may choose to rehear itself all or parts of the appeal hearing. If heard by the Commission, an ALJ must preside over such an appeal hearing. The Commission shall take no action to modify all or parts of the decision or reject the recommendation of the ALJ without first reviewing a certified transcript or certified recording of the hearing conducted by the ALJ. The 100-day time period mentioned earlier in this paragraph shall be suspended for a reasonable period, not to exceed 60 days, in the event it becomes necessary to prepare a transcript of the proceeding. Within seven days of its determination, the Commission shall give written notice to the City Manager and the local member including any reasons for rejection, modification or rehearing of the ALJ decision. The decision of the Commission shall be final and binding, except that the member shall have 90 days following the adoption of the decision to file a writ of mandate pursuant to California Code of Civil Procedure §1094.6 and §11523 of the APA.

4. **RECONSIDERATION.** Within ten days after receipt of the final determination of the Commission, either party may file a request for reconsideration with the Commission on grounds that a) the findings of fact were procured by fraud, b) the evidence does not justify the findings of fact, and/or c) that there is new evidence which should have been considered but was not available at the time of the hearing. Requests for reconsideration will only be reviewed on these three grounds. Upon receiving a request for reconsideration, the Commission may deny the request, or review the request itself either through written or oral argument, or may order all or parts of the case to be heard by an ALJ. Any reconsideration of a Commission decision must be conducted in the presence of an ALJ as the Commission's legal advisor. A request for reconsideration does not suspend the 90-day time period for filing a writ of mandate under CCP§ 1094.6

Throughout the procedures as set forth above, the confidentiality of medical and personnel records will be maintained in order to protect against unauthorized use and disclosure.

FIRE CAPTAIN

Job Number: 16

SALARY RANGE:

\$3,115.52 to \$3,872.48 Biweekly

\$6,773.00 to \$8,419.00 Monthly

Applications available: 7:30 a.m. to 4:30 p.m., January 15, 2010 through February 1, 2010. Completed applications and supplemental applications must be received in the Civil Service Department by 4:30 p.m., February 1, 2010. Postmarks will not be accepted.

REQUIREMENTS TO FILE:

Applicants must meet the following minimum requirements by close of filing (February 1, 2010): 1) Six years service as a Fire Recruit, Firefighter, Fire Engineer, Fireboat Operator, Firefighter/Paramedic, or any combination of these classifications in the Long Beach Fire Department, and 2) California State Fire Officer certification, from the Office of the State Fire Marshal (proof required)*. (If Fire Officer certification has not yet been received from the state, candidates may submit certificates of completion* for each of the ten (10) classes required for state Fire Officer certification and proof of filing* to the Office of the State Fire Marshal to receive the California State Fire Officer certification. Please refer to LBFD Training Memorandum T11-2009 for more information.) 3) Willingness to work in a staff assignment.

DESIRABLE QUALIFICATIONS: The ability to analyze situations correctly and quickly, and to adopt effective courses of action; the ability to use a personal computer and a variety of computer software programs; the ability to prepare correspondence, write reports and work effectively with others; possession of an Associate of Arts or Science degree in Fire Science, Public Fire Administration, Fire Engineering, Public Administration, or other related field.

*Applications will not be processed until all required proofs are received. Any required proofs, such as certificates, diplomas, licenses, or transcripts, must be received in the Civil Service Department by 11:59 p.m., February 8, 2010. Documents may be received in person, via email to civilservice@longbeach.gov, or fax to (562) 570-5293.

EXAMPLES OF DUTIES: Under direction, commands a fire fighting company and fire station during an assigned shift and takes command at emergency incidents until the arrival of a higher ranking officer. Supervises, directs, and evaluates assigned personnel in a fire station or a specialized 40-hour staff position to manage a specific program area in the Fire Department and performs other related duties as required.

EXAMINATION WEIGHTS:

- Application and Supplemental Application Qualifying
- Occupational Written Test 25%
- Emergency Scene Simulation and Mini Tactical Exercises 40%
- Appraisal Interview including Writing Exercise..... 35%

SCOPE OF EXAMINATION: The Written Examination is tentatively scheduled for **February 17, 2010**. The Writing Skills Exercise is tentatively scheduled for **x x, 2010**. The Oral Examination, Emergency Scene Simulation, and Mini Tactical Exercises are all tentatively scheduled for the week of **x xx - xx, 2010**.

Seniority Credit in accordance with Article III, Section 14, Civil Service Rules and Regulations, will be added to the final passing scores of those who qualify. For examination purposes, seniority credit will be based upon whole months of service completed as of the last day of filing.

Certification and selection of candidates on the promotional list will be done in accordance with Section 29 of the Civil Service Rules and Regulations.

The occupational written test is tentatively scheduled for February 17, 2010. If you have not received notification by February 11, 2010, contact the Civil Service Department at (562) 570-6202.

This information is available in an alternative format by request to (562) 570-6202.

PARK MAINTENANCE SUPERVISOR

Job Number: 10

SALARY RANGE:

\$1,639.92 to \$2,229.68 Biweekly
\$3,565.00 to \$4,848.00 Monthly

Applications and Supplemental Applications are available: 7:30 a.m. to 4:30 p.m., January 15 through February 1, 2010. Completed Applications and Supplemental Applications must be received in the Civil Service Department by 4:30 p.m., February 1, 2010. Postmarks will not be accepted.

REQUIREMENTS TO FILE: Open to: 1) current City employees, 2) former classified City employees who were terminated due to layoff in 2009, 3) former classified City employees on an active Civil Service priority list, and 4) former unclassified City employees, identified by the Human Resources Department as terminated by the City's reduction in force in 2009.

Three years full-time experience in landscape grounds maintenance.

Applicants must possess good working knowledge of all phases of grounds maintenance. Ability to effectively communicate both orally and in writing; supervise a work crew, read and interpret plans and blueprints; and monitor the daily functions performed by contracted maintenance services. Applicants must be willing to work irregular hours, including evenings, weekends and holidays to respond to emergency call backs when necessary.

Proof of a valid motor vehicle operator's license at time of appointment. (A current DMV driving record must be submitted to the hiring department at time of selection interview.)

DESIRABLE QUALIFICATIONS: Experience leading or supervising a crew of grounds maintenance personnel. Recent education in Park Administration, horticulture, botany and related fields. A pesticide Applicator's License ("B" or "C" category), Arborist, or Irrigation Association Certification. Beach Landscape Maintenance experience.

EXAMPLES OF DUTIES: Under general supervision, participates in and supervises the work of a maintenance crew and/or monitors the daily functions performed through contracted maintenance services; directs, supervises, trains and evaluates the work of maintenance crew personnel; monitors and oversees contracted maintenance services including daily inspections of areas, completion of inspection forms and preparation of adjustment forms; serves as a liaison between contractors and department management; plans, organizes and implements annual, monthly and weekly maintenance schedules; manages all hardscape and landscaping within assigned area, including, but not limited to, diagnosing and directing pesticide application, diagnosing and directing repair of irrigation systems including electric time clocks, solar time clocks, replacement of main water supply valves; diagnoses and makes recommendations for tree maintenance trimming and directs the operations of a tree trimming contractor, and handling special landscape projects; enforces safety regulations and facilitates safety tailgate meetings; responds to customer inquiries and complaints; tracks performance of employees and/or contractors; reads and interprets landscape plans and blueprints; requests analysis and makes recommendations on costs and specifications for work requested from private contracts; understands and interprets detailed maintenance specifications to assure adequate contract compliance; maintains records and prepares reports; and performs other related duties as required.

EXAMINATION WEIGHTS:

Application and Supplemental Application..... Qualifying
Appraisal Interview..... 100%

The appraisal interviews are tentatively scheduled to the week of February 15, 2010. If you have not received notification by February 8, 2010 contact the Civil Service Department at (562) 570-6202.

This information is available in an alternative format by request to (562) 570-6202.

J.O.B. J42NN -10 SA PMSuperJOB 2010

1/13/10

1 **DATE:** January 13, 2010
2 **TO:** Civil Service Commission
3 **FROM:** *DR* Diane Dzodin, Administrative Officer
4 **SUBJECT: REQUEST FOR TRANSFER OF MARLON RAMOS, ADMINISTRATIVE**
5 **ANALYST**

6 The Human Resources Department and the Financial Management Department have
7 agreed to transfer Marlon Ramos, Administrative Analyst III-Confidential, from the
8 Human Resources Department to the Financial Management Department as an
9 Administrative Analyst III-Confidential. Mr. Ramos concurs with the transfer.

10
11 Pursuant to Section 64 of the Civil Service Rules and Regulations, staff is
12 recommending Commission approval of the above transfer of Marlon Ramos to the
13 Financial Management Department.
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